

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-2191

WALTER ELKINS,

Petitioner,

versus

EASTERN ASSOCIATED COAL CORPORATION; DIRECTOR,
OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(02-197-BLA)

Submitted: July 30, 2003

Decided: August 18, 2003

Before LUTTIG, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Roger D. Forman, FORMAN & HUBER, L.C., Charleston, West Virginia,
for Petitioner. Mark E. Solomons, Laura Metcoff Klaus, GREENBERG
TRAURIG, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Walter Elkins seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of black lung benefits pursuant to 30 U.S.C. §§ 901-945 (2000). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm on the reasoning of the Board. See Elkins v. E. Assoc. Coal Corp., No. BRB 02-197-BLA (B.R.B. Aug. 22, 2002). We deny as unnecessary the motion of Eastern Associated Coal Corp. to order correction of the joint appendix. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED